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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,078	08/10/2006	Martin W. Vanderhoek	V1500007RAJ	7779
720 7590 09/17/2007 OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			EXAMINER TSIDULKO, MARK	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,078

Applicant(s)

VANDERHOEK, MARTIN W.

Examiner

Mark Tsidulko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>091107</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because of using claim language:

“**comprising**” (line 2) should be changed to “**having**”.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 6,059,418) in view of Chen (US 5,499,169).

Referring to Claims 1, 3 and 4 Edwards discloses (Figs.1-3) a mirror system for a vehicle including a side mirrors [22], a safety mirrors [26] attached to the rear portion of the vehicle by an attachment means including a housing holding a reflective surface.

Edwards discloses the instant claimed invention except for a backup light.

Chen discloses (Figs.2, 3) a vehicle side mirror having a backup light [10] attached to the rear portion of the mirror in order to provide the vehicle showing the location and width of the vehicle, and directional signals.

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Referring to Claim 6, while Edwards discloses a safety mirror [26] attached to lower upper portion of the vehicle, one having ordinary skill in the art would have recognized, that attachment of the mirror to an upper rear portion of the vehicle will not change the functionality of the system.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the safety mirror of Edwards with a backup light of Chen, in order to increase safety of the traffic.

Claims 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Chen, as applied to claim 1 above, and further in view of Backenkohler (US 4,139,269).

Referring to Claim 2 Edwards in view Chen discloses the instant claimed invention except for a convex mirror.

Backenkohler discloses (Fig.1) a vehicular mirror [1] having a convex surface [2] in order to obtain wide-angle observation to increase safety of the traffic.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the mirror device of Edwards with a backup light of Chen, having a convex reflective surface, as taught by Backenkohler, in order to increase safety of the traffic.

Referring to Claim 5 Edwards in view Chen discloses the instant claimed invention except for a pivotal connection.

Backenkohler discloses (Fig.1) a reflective portion pivotally connected to the attachment mechanism.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the mirror device of Edwards with a backup light of Chen, pivotally attached to the attachment mechanism in order to a plurality of directions of illumination.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Chen, as applied to claim 1 above, and further in view of Hutzet (US 6,811,288).

Edwards in view Chen discloses the instant claimed invention except for a pivotal connection between light and reflector.

Hutzet discloses a vehicle side view mirror, wherein the reflector is pivotally connected to the lighting device (col. 12, lines 43-45). It allows adjusting the position of the light source independently from the position of the mirror.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the mirror device of Edwards with a backup light of Chen, pivotally attached to the backlight, as taught by Hutzet, in order to increase mobility of the lighting device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571) 272-2384. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
September 11, 2007



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800